

Wisconsin River Rail Transit Commission

Executive Committee Meeting – Friday, 10 June 2005 at 10:00 a.m.

Dane County Highway Garage, 2302 Fish Hatchery Road, Madison, WI

1. **Call to Order** – Steve Foye, Chair at 10:04 a.m.
2. **Presentation of gavel & sounding block to Steve Foye** – Ken Lucht, WSOR, presented a gavel and sounding block to Steve Foye, noting that he is the 3rd person to Chair the Commission and a representative of one of the Commission's founding counties.
3. **Roll Call**

Chair	Steve	Foye	Iowa	present
1st Vice Chair	Karl	Nilson	Waukesha	present
2nd Vice Chair	Ted	Sheckler	Crawford	present
Secretary	William	Agnew	Rock	present
Assistant Secretary	Marion	Martin	Grant	
Treasurer	Gene	Gray	Dane	
Assistant Treasurer	Robert	Sinklair	Sauk	present
Advocate	Gerald	Shroble	Walworth	present
Advocate	Richard	Kuhnke	Walworth	present

Commissioners serving as Alternates for this meeting: Velma Weadge (Grant County) and Forrest Van Schwartz (Dane County); **Others Present:** Joni Graves (SWWRPC/ WRRTC staff); Sudhish Verma (SWWRPC Intern); Jim Matzinger (Dane County Transportation/WRRTC staff); Frank Huntington (WisDOT); Roger Larson (WisDOT District 1); Ken Lucht and Tim Karp (WSOR); Virgil Kasper (Pink Lady Rail Transit Commission); Bill Stehling (Sauk City); Adam Carson (sp?)(Sauk City).

4. **Motion adopting Certification of Public Notice / Sheckler / Sinklair / Motion passed unanimously.**
5. **Motion approving the Agenda / Kuhnke / Shroble / Motion passed unanimously.**
6. **Motion approving the Minutes from the 10 June 2005 Executive Committee meeting / Sheckler / Agnew / Motion passed unanimously.**
7. **Update on reappointments/new appointments** – Graves.

REPORTS:

8. **WSOR Monthly Operator's Report** – Ken Lucht introduced Tim Karp, WSOR's V.P. of Finance.
 - WSOR has its maintenance crews out and will be moving shortly to the capital project. He reported that they have had some fires; and a major derailment near Monroe took some track out of service for a time.
 - Lucht reminded the Commission that railroads operating in Wisconsin pay an ad valorem tax which has increased by 25%. WSOR is currently compiling property tax information on the businesses that ship via WSOR; there has been an increase in both property taxes and in the number of employees. Once these are done, each county will be sent its summary.
 - On July 9th WSOR will host an event celebrating the 100th anniversary of the Janesville Roundhouse. On July 23rd WSOR will celebrate its 25-year anniversary, with free train rides in Madison and other activities. WSOR's Annual State of the Railroad event will be on September 9th.

Foye said that WSOR had done a nice job of weed-spraying on the west end and that getting to it early helps a lot with maintaining the appearance of the rail corridor through the communities.

9. WisDOT Updates – Frank Huntington and Roger Larson

Huntington provided a brief update on the OCR's ruling on Village of Sauk City's Carolina St. crossing, noting that the final order has been made by the OCR with the conditions stipulated previously. Regarding Badger Ammunition, he explained that WisDOT has had some communication with GSA and will be meeting again to follow up on information that was presented in February. Graves distributed copies of the letter that was sent to the GSA, per the last WRRTC meeting. Larson said that the Village of Oregon and Lycon are moving forward on their development plans.

Subsequent discussion focused on the logistics of the actual rail removal in Sauk City, following the OCR's decision; ownership of the rail asset that will be removed; other stores of salvage; and related questions.

FOLLOW-UP – The next Agenda will include an item related to salvage and disposition of rail assets.

COMMISSION BUSINESS:

10. WRRTC Financials & Contracts – Jim Matzinger

a) Treasurer's Report for May 2005

As part of the Treasurer's Report, Matzinger said that rates are going up, and explained that funds held by the local government investment pool have had a 1% return, increasing slightly to 2.67% over several months; he asked if the Commission had any investment recommendations; in discussion Nilson said he thought that the options were limited under state statutes. **Motion to approve the Treasurer's Report as presented – Nilson / Agnew / Motion passed unanimously.**

FOLLOW-UP – Provide information related to investment of government funds.

- b) Motion approving payment of invoices received by WRRTC / McHenry County Taxes \$3,309.94 and Lake County Taxes \$708.76 (to be reimbursed by WSOR); Dane Co. Highway 623.09; Westbrook Engineering \$1,877.00 (Sauk Bridge study); Gene Gray \$92.53 (66-Committee per diem) / Nilson / Kuhnke / Motion passed unanimously.**
- c) Update on status of closing Project 12 (Milton Junction-to-Anderson Siding) –** the project will remain open, and on subsequent Agendas, until all of the related financials are closed.

Other Business Related to Financials & Contracts

- d) Fee schedule for leases, permits, other applicable charges –**Van Schwartz said that WRRTC's attorney, Eileen Brownlee, had done a wonderful job in researching this issue. He explained the proposed fees that the Commission could levy, noting that there is some additional fee-related information that he would be providing to Brownlee. After providing an overview, he requested that the Executive Committee adopt the schedule of fees, as presented, with the understanding that some additional information would be added later.

Foye said it may be necessary to lay over to the next meeting because a public 30-day notice may be required for an action of this type. Van Schwartz said that would provide time for him to get more information to Brownlee and that the Commission could vote at its next meeting.

Huntington said that fees would apply primarily to the Commission's property in Waukesha and in Illinois. Graves pointed out some additional information in Brownlee's Memorandum, related to the Commission's authority to levy fees.

Nilson expressed concern about costs to applicants and asked how many of these applications are received. Huntington said the Commission does not receive that many, but an example is the recent request from the model airplane club. Nilson said that \$1,000 would be a lot of money for a small farmer, for example.

Van Schwartz said that the related documents should be filed with County Clerks. Foye said that maybe the Commission would be duplicating services, and suggested that perhaps all requests should be referred to the railroad and to WisDOT. Huntington explained that it is the Commission's decision with regard to private crossings; Van Schwartz said that it is the Commission's decision in Illinois too, noting that WisDOT's staff have been very helpful with those.

FOLLOW-UP: Staff was directed to get clarification on some points in Brownlee's Memorandum on fees.

New Business

- e) **McHenry County Farm Bureau, Hebron, IL, "3rd Annual Tractor Trek"**– Request for permission to use a "farm lane" that runs adjacent to the rail corridor (approximately 3/10th of a mile) as part of the course for a one-day fundraising event on the afternoon of Saturday, July 23rd.

WSOR staff said that they do have trains that would run that day. Lucht said that initially he had been concerned, but that he had talked with the event organizer and learned that the lane (which is used by the conservation district as part of the bike trail) is only a route for the event and the lane, with one trip around the route lasting about 15 minutes. He said that if the event were to be later in the day, he would be concerned but that, with some conditions, WSOR would support it, concluding "We think it's a nice community-based event, for a good cause, and we want to support it, with conditions." WSOR's conditions: only the tractors and drivers and the event's organizers would be on the property during the event; these individuals would stay on the established trail; proof of required liability insurance would be provided to WSOR prior to the event; and the event organizers would indemnify WSOR.

Motion to approve the request by the McHenry County Farm Bureau, Hebron, IL, to use a "farm lane" that runs adjacent to the rail corridor (for approximately 3/10th of a mile) as part of the course for its "3rd Annual Tractor Trek"– a one-day fundraising event on the afternoon of Saturday, July 23rd. Condition of approval is based on receipt by WRRTC and WSOR, at least one week prior to the event, of correspondence indicating that the event's organizers have accepted these conditions and that they also provide the specified documentation: (i.) Only the tractors and drivers and the event's organizers will be allowed on the property during the event; (ii.) These individuals will stay on the established trail; (iii.) Proof of required liability insurance will be provided; (v.) And the event organizers will provide documentation indemnifying WSOR and WRRTC. / Nilson / Weadge / Motion passed unanimously.

SPECIAL REPORT:

- 11. Consideration and possible action on adjourning to closed session** pursuant to Wis. Stat. sec. 19.85(1)(e) for a presentation and discussion related to the following agenda item. Wis. Stat. sec. 19.85(1)(e) permits convening in closed session to discuss the investment of public funds when competitive reasons require a closed session.

Wisconsin & Southern Railroad Year-End Operator's Report

Section 9.1 - Reports. (a) Operator shall submit the following information to Commission and WisDOT within 45 days after the end of each quarter year beginning with the quarter ending December 31, 1994 for its operations. (i) An unaudited Statement of Revenues, Expenses, Taxes and Income and General Ledger Trial Balance; (ii) A summary of originating and terminating traffic by commodity, by principal line segment, and by month; (iii) A statement of major traffic gains or losses and a summary of operating and maintenance activity by principal line segment; and (iv) A report of income that is excluded from Gross Operating Revenues generated from activities other than rail transportation of freight, including but not limited to rail car storage fees, building rent, excursion trains, car repair revenues, and the like. The report shall describe the amounts received, the duration of the period for which the income is received and the payer.

Sinklair requested a legal opinion from the Commission's attorney explaining why it was OK to go into closed session for this. Nilson noted that the language of the Agreement, and the applicable state statute, were included in the Agenda. Foye asked Huntington to comment: Huntington said "There have been some questions lately, so Joni has looked to the Agreement." He explained that in previous years the Commission had handled the annual presentation as a closed session too; any hand-outs were returned at the end of the presentation and it is handled the same way at the WSOR's annual presentation to WisDOT.

Motion to convene in closed session for Wisconsin & Southern Railroad's Year-End Operator's Report, under the authority of Wis. Stat. sec. 19.85(1)(e), and authorizing attendance by non-commission members Virgil Kasper (Pink Lady Rail Transit Commission), WRRTC's staff (Joni Graves and Sudhish Verma, SWWRPC; Jim Matzinger, Dane County Highway), and WisDOT staff (Frank Huntington and Roger Larson) / Nilson / Sheckler / Motion passed unanimously by roll-call vote.

Steve	Foye	aye	Forrest	Van Schwartz	aye
Karl	Nilson	aye	Robert	Sinklair	aye
Ted	Sheckler	aye	Gerald	Shroble	aye
William	Agnew	aye	Richard	Kuhnke	aye
Velma	Weadge	aye			

Following the vote, Agnew departed after explaining that he had another commitment and that he had seen the WSOR's presentation at the Pecatonica Rail Transit Commission on June 25th.

The Commission went into closed session at 11:15 a.m.

Motion to return to open session / Sinklair / Sheckler / Approved by unanimous agreement, at 12:17 p.m.

Motion accepting WSOR's Year-End Financial Report and thanking their staff for providing the information / Sinklair / Sheckler / Motion passed unanimously.

12. Motion to Adjourn / Nilson / Sinklair / Motion passed unanimously at 12:22 p.m.